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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,714	04/02/2002	John William Richardson	RCA 90149	2726

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EXAMINER

TSEGAYE, SABA

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/089,714	RICHARDSON ET AL.	
	Examiner	Art Unit	
	Saba Tsegaye	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04/02/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. This application does not contain an abstract of the disclosure as required by 37

CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claims 3 and 5, the phrase "may be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by DeNap et al. (US 6,407,997 B1).

Regarding claims 1, 6 and 7, DeNap discloses, in Fig. 1, an ATM/DSL network comprising customer premise equipment (CPE 121), which delivers DSL service to the customer; a voice mail server (473, see fig. 4) disposed remotely from the CPE (124) for storing voice message left for customers, and a service controller (session manager 472) for managing system traffic (column 3, line 51-column 4, line 64; column 7, line 25-column 8, line 45).

DeNap, further, discloses in fig. 1, an ATM communication system, in which residential

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communication hub (121), telephony hub (124), the ATM switch (123) and the DSL MUX (122) communicate using the ATM/DSL format. Fig. 4 shows an ATM network 471, a session manager 472 and servers and gateways 473 (a message processor). The session manager 472 is a communications control processor that initiates services for the end users. As shown in fig. 5, the combination of provider agent and session manager provides numerous incoming call management capabilities (claimed the service control processor determining whether the incoming call is answered by the receiving device). Based on these capabilities the users can establish their own preferences and policies. Furthermore, the session manager 472 would know which calls to route to voice mail base on the caller's identity (claimed routing the incoming call to the message processor via the second ATM virtual path/virtual channel when the incoming call is not answered by the receiving device) (column 13, line 55-column 14, line 63).

Regarding claims 2 and 8, DeNap discloses the system wherein the receiving device is a customer premises equipment (see fig. 1; 110; 103-106).

Regarding claims 3 and 9, DeNap discloses the system wherein the message processor may be part of the service control processor (column 8, lines 5-9).

Regarding claim 10, DeNap discloses the system wherein the determination of whether an incoming call is answerable by the receiving device is by determining whether the receiving device is off-hook (column 13, line 60-column 14, line3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeNap et al. in view of Yaker (US 5,848,142).

DeNap discloses all the claim limitations as stated above, except for incoming call is answered by the receiving device is by use of a timer.

Yaker teaches that a system waits either until a predetermined amount of time has elapsed or a signal is received from a called subscriber as to how to handle the call from a second caller. As shown in Fig. 4, a timer is activated in step 601, which is used to time from the announcement and is set to expire after a predetermined time has elapsed. The second caller is routed to a voice mail center; if a call request is declined by the called subscriber and the predetermined amount of time has elapsed (column 8, lines 30-35; column 9, lines 6-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a timer, such as that suggested by Yaker, to the system of DeNap in order to provide an efficient telephony service.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Czajkowski et al. (US 6,526,058) discloses a voice-over Digital Subscriber Line customer premises equipment and services provision.

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Gerszberg et al. (US 6,359,881 B10 discloses a hybrid fiber twisted pair local loop network service architecture.

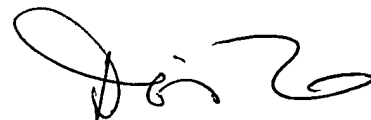
Hayashi (US 6,091,736) discloses message storing and reproducing system separately comprising processors and storages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST
April 19, 2006



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TECHNOLOGY CENTER 2600